

REMARKS

The present amendment is in response to the Office Action dated March 24, 2005. Claims 8-10, 39-41 and 62-71 are now present in this case. No claims are amended. For the Examiner's convenience, the claims are included in this response.

The applicants wish to express their appreciation to the Examiner for a telephone conference with the applicants' attorney on June 13, 2005. As discussed in that conference, the present application was misdesignated as a continuation of U.S. Application No. 08/944,668, now issued as U.S. Patent No. 6,381,633. The application is correctly designated as a divisional application. The preliminary amendment filed with the present application cancelled all claims except claims 8-10, and 39-41, which were restricted out of the parent case. In accordance with 35 U.S.C. § 121, and in accordance with MPEP § 804.01, the non-statutory double patenting rejection is improper. Accordingly, the applicants respectfully request that the rejection of claims in the pending application under the judicially created doctrine of double patenting be removed.

In addition, the applicants' attorney inquired about a rejection, on page 2 of the Office Action, in view of a combination of U.S. Patent No. 5,621,727 to Vaudreuil combined with U.S. Patent No. 5,852,818 to Guay et al. It appears that Guay was mistakenly cited in the Office Action and is not of record in the case. The Office Action included a detailed discussion of the rejection based on the combination of Vaudreuil and U.S. Patent No. 5,982,780 to Bohm et al., but never mentions Guay. For purposes of this response, the applicants will treat the rejection as a combination of Vaudreuil and Bohm. However, the applicants respectfully request clarification regarding Guay. Specifically, the applicants request that Guay be made of record in the case if relevant, or request a statement by the Examiner that Guay is not relevant and was mistakenly referenced in the Office Action.

Claims 8-10 and 62-69 stand rejected under 35 U.S.C. § 102 as anticipated by U.S. Patent No. 5,621,727 to Vaudreuil. The applicants respectfully traverse this rejection and request reconsideration. Specifically, the Office Action states

that Vaudreuil teaches a master device configured to send a second message type to a messaging device on the message network that fails to send the first message type to the master device within the predetermined interval, and cites several sections of Vaudreuil in support of such a claim. (See Office Action, page 7.) This is incorrect. The cited sections of Vaudreuil do not describe any such process.

In contrast, claim 62 is a system claim in which a master device is configured to send a second message type to a messaging device on the messaging network that fails to send a first message type to the master device within a predetermined time interval. Vaudreuil does not teach or suggest this process. Accordingly, claim 62 is clearly allowable over Vaudreuil. Claims 63-71 are also allowable in view of the fact that they depend from claim 62, and further in view of the recitation in each of those claims.

With respect to claim 8, Vaudreuil does not teach or suggest sending a query message to a messaging platform on the messaging network that fails to send a response message to the master platform within a selected interval. For this reason, among others, claims 8-10 are clearly allowable over Vaudreuil.

Claims 39-41, 70, and 71 stand rejected under 35 U.S.C. § 103 as unpatentable over the combination of Vaudreuil and U.S. Patent No. 5,982,780 to Bohm et al. The applicants respectfully traverse this rejection and request reconsideration. As discussed above, Vaudreuil does not teach or suggest a master platform configured to send a query message to a messaging platform that fails to send a response message within a selected interval.

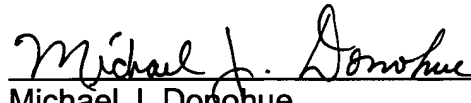
The combination of Vaudreuil and Bohm does not overcome this serious deficiency. Bohm is cited for disclosing the use of tokens. However, Bohm does not disclose or suggest the use of tokens such as recited in claim 39. Bohm describes tokens in the context of a token network in which available time slots have associated tokens, which may be distributed from one node to another. Bohm does not teach or suggest the use of tokens as a form of payment that is debited and credited, as recited in claim 40. Although Bohm and the present specification both use the word "token," it is clear that the terms have completely different meanings. The combination of

Vaudreuil in Bohm do not teach or suggest the recitation in claim 39. Accordingly, claim 39 and dependent claims 40-41 are clearly allowable over Vaudreuil and Bohm.

Claims 70 and 71 depend from claim 62. As discussed with respect to claim 62, Vaudreuil does not teach or suggest a master device configured to send a first message type to the master device within a predetermined interval. The combination of Vaudreuil and Bohm do not suggest such a system. Furthermore, the use of tokens as recited in claims 70 and 71 are significantly different from the use of tokens in the token network described in Bohm. Accordingly, claims 70 and 71 are clearly allowable over the combination of Vaudreuil and Bohm.

In view of the above amendments and remarks, reconsideration of the subject application and its allowance are kindly requested. If questions remain regarding the present application, the Examiner is invited to contact the undersigned at (206) 628-7640.

Respectfully submitted,
Davis Wright Tremaine LLP



Michael J. Donohue
Registration No. 35,859

MJD:gatc

2600 Century Square
1501 Fourth Avenue
Seattle, Washington 98101-1688
Phone: (206) 622-3150
Fax: (206) 628-7699

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